

Protest of)
NEIL GARDIS & ASSOCIATES, INC.) Date: December 1, 1989
Solicitation No. 059984-89-A-0016) P.S. Protest No. 89-44

ON RECONSIDERATION

By letter dated October 13, 1989, and received by this office on October 16, Neil Gardis & Associates, Inc. (Gardis), requests reconsideration of our decision in Neil Gardis & Associates, Inc., P.S. Protest No. 89-44, September 15, 1989, which denied Gardis' protest. There is a question concerning the timeliness of the request for reconsideration. PM 4.5.7.n requires that a request for reconsideration be received by this office not later than ten working days after the basis for reconsideration is known or should have been known, whichever is earlier, but in no case more than 20 working days after the issuance of the protest decision.

In a letter to this office dated September 27,^{1/} Gardis acknowledged receipt of our September 15 decision and referred to a conversation with this office in which the denial of the protest was discussed. Upon receipt of the decision, Gardis knew or should have known that its argument concerning mistake procedures, the basis of its reconsideration request, had not been accepted. More than ten working days elapsed between Gardis' receipt of the decision denying its protest and the receipt of its reconsideration request by this office on October 16. Therefore, the request for reconsideration is untimely.^{1/}

^{1/} In that letter, Gardis requested copies of protest decisions cited in the September 15 decision. However, the reconsideration request did not in any way rely on those decisions.

^{2/} Even if the reconsideration request could be considered, Gardis has done nothing more than reiterate a prior argument, considered in our decision, that the contracting officer misapplied provisions of the Procurement Manual (PM) to a mistake in the proposal of the low offeror, and, as a result, the contracting officer "followed a portion of the Procurement Manual which did not deal specifically and directly with the obvious problem at hand." Reconsideration is inappropriate where the party seeking reconsideration only wishes us to draw from the arguments and facts considered in the original protest conclusions different from those we reached in that decision. Fort Lincoln New Town Corporation On Reconsideration, P.S. Protest No. 83-53, November 21, 1983.

The request for reconsideration is dismissed.

William J. Jones
Associate General Counsel
Office of Contracts and Property Law

[checked against original JLS 5/24/93]